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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/319,842	08/09/1999	KLAUS-JUERGEN WESTERMANN	686	3637

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EXAMINER

GARCIA, ERNESTO

ART UNIT PAPER NUMBER

3679

DATE MAILED: 12/09/2002

FINAL ACTION

February
9, 2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/319,842

Applicant(s)

WESTERMANN ET AL.

Examiner

Ernesto Garcia

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 3 (claim 1 in line 5). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the wiper rod (18) with different widths, the smaller wiper rod, and the wider wiper rod (claim 1) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Applicant is reminded that Figure 1 shows a wiper rod (18) with a constant width.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: the specification is lacking headers that divide sections of the specification. Appropriate correction is required.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: "detent means" is not recited in the specification.

Claim Objections

Claims 1 and 4 are objected to because of the following informalities:

as to claim 1, the limitation "the hook-shaped end" in lines 11 and 12 should be --a hook-shaped end--; and the limitation "the legs" in line 13 should be --legs--; and,

as to claim 4, the limitation "a hook-shaped end (20) of a wiper rod" in line 3 should be --the hook-shaped end (20) of the wiper rod--; and the limitation "larger" in line 3 should be --large--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the region" in line 11. There is insufficient antecedent basis for this limitation in the claim since "a region" has not been previously recited. The limitation "it" in line 10 is unclear what feature of the invention it represents. Furthermore, the limitation "wherein for" is unclear since it is unclear whether the limitations that follow are structural recitations or functional recitations. For purposes of examination, the examiner has considered "wherein for" as "wherein". The limitation "the region" in line 13 is unclear whether the region is the same region recited in line 11. The limitation "the hook-shaped end (20)" in line 14 is unclear whether the hook-shaped end is the hook-shaped end of the wiper rod recited in line 2 or the hook-shaped end of the smaller wiper rod recited in line 12. For examination, the examiner has consider the hook-shaped end in line 14 being of the smaller wiper rod.

Regarding claim 2, the limitation "the clearances" in line 2 lacks antecedent basis since "clearances" has not been previously recited. Applicant is reminded that a clearance is recited in line 8 of claim 1.

Regarding claim 3, the limitation "a hook-shaped end" is unclear whether the hook-shaped end is another hook-shaped end than the hook-shaped end recited in line 2 of claim 1. The limitation "a first lateral strut" in line 4 is unclear whether the first lateral strut is another strut than the number of lateral struts as recited in line 6 of claim 1.

Regarding claim 4, the limitation "a first lateral strut" in line 2 and "second lateral strut" in line 4 is unclear whether the first lateral strut and the second lateral strut are additional struts than the number of lateral struts as recited in line 6 of claim 1.

Regarding claim 5, the limitation "a narrower wiper rod" is unclear whether this is an additional wiper rod than the wiper rod recited in line 2 of claim 1, the smaller wiper rod recited in line 12, or the wider wiper rod recited in line 14. Furthermore, it is unclear what are the meets and bounds of the terminology "narrower". Is the wiper rod narrower than the wiper rod recited in line 2, the smaller wiper rod, or the wider wiper rod?

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To check

Regarding claim 6, the limitation "hook-shaped end" in line 3 is unclear whether this is another hook-shaped end than those previously recited in claim 1.

Regarding claim 7, the limitation "detent means" makes unclear what the detent means comprises of. The examiner understood the detent means comprises (is) at

least one detent projection. Furthermore, the limitation "hook-shaped end" in line 4 is unclear whether the hook-shaped end is that recited in line 2 of claim 1, or in line 12.

Regarding claim 8, the claim depends from claim 7 and therefore is indefinite.

Allowable Subject Matter

Claims 1-8 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter:

regarding claim 1, the prior art of record does not disclose or suggest an elongated bearing element, in combination with a wiper rod of a windshield wiper, wherein the element comprises the wiper rod with different widths; and,

regarding claims 2-8, these claims depend from claim 1.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 703-308-8606. The examiner can normally be reached from 8:30-5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on 703-308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

Lynne H. Browne
Supervisory Patent Examiner
Technology Center 3600

E.G.

December 4, 2002